



Washington State Legislature

DELIVERED VIA E-MAIL

March 27, 2020

RE: Licensed Firearms Dealers Are Essential Businesses

Dear Governor Inslee:

We, the undersigned, ask you to promptly amend your March 23, 2020 Executive Order so that licensed firearms dealers are designated as essential businesses. There are three primary reasons for you to take this step immediately.

First, your order threatens the continued operations of county sheriffs' departments as well as many other local law-enforcement departments around the state. Many law-enforcement officials lead departments that rely on local licensed firearms dealers for on- and off-duty firearms and ammunition. They and their deputies routinely purchase firearms, ammunition, and other equipment from licensed firearms dealers. Your order shuttering those businesses will prevent members of local law-enforcement departments from continuing to make such purchases.

Second, your order threatens the safety of thousands of Washington citizens. Every security business in the state relies on licensed dealers for firearms and ammunition, and your order blocks their ability to procure the tools required to perform those jobs – jobs which your order deems essential. It is essential that security businesses can procure the tools needed for their essential operations.

Local law-enforcement officials have also seen a significant increase in background checks in this time of crisis, when thousands of Washingtonians have decided to purchase firearms for personal protection. Many of those purchases are first-time buyers. If dealers are required to close immediately, many firearms purchasers who have passed background checks will be unable to take delivery of firearms they have already selected. Many of us are responsible for the safety of large rural areas of our state, where local law enforcement cannot appear instantly in response to every threat faced by our citizens. It is vital to the safety of our citizens that they have the tools to protect themselves and their families.

Third, your order unduly burdens the constitutional rights of the people of Washington. Licensed firearms dealers have already implemented stringent cleaning, sanitation, and social-distancing rules to ensure the health and safety of themselves, their employees, and their customers. Closing licensed firearms dealers means terminating the ability of all Washington citizens to exercise the rights guaranteed to them by the Second Amendment of the U.S. Constitution and Article I, Section 24 of the Washington Constitution. Under our laws, there is no alternative way to exercise these rights. Libraries have expanded digital access to books; schools are dedicating resources to online learning; our state's medical professionals are expanding telemedicine. For citizens who elect to purchase a firearm, that can only be done in person, after a background check, in front of a licensed firearms dealer. It cannot be done remotely or online.

Health and safety precautions such as limiting the number of people in one location, social distancing, and cleaning and sanitation are of course appropriate to require, but compelling these essential businesses to close violates the state and federal constitution, threatens the safety of our citizens, and threatens the smooth operation of many local law-enforcement agencies.

Fourth, licensed firearms dealers are a valuable resource for law-enforcement officers investigating crimes involving firearms. The serial number of a firearm can be used to trace it to the dealer to which it was sold or transferred, and the dealer can in turn trace the purchaser. Similarly, in the case of stolen firearms the victim frequently is unable to provide the serial number(s), sometimes cannot offer the model, and may be unable to produce any paperwork associated with the firearm – but is able to recall where the stolen firearm was purchased, which allows the investigation to proceed with a visit to the dealer. These important and productive investigative approaches, which are critical to ensuring public safety and apprehending criminals, are possible only if law enforcement has access to the dealer, meaning the shop must be open.

Governor, our state’s list of essential critical infrastructure workers is based in large part on the corresponding list created by the federal Department of Homeland Security. We have learned that as of this afternoon DHS will have updated its guidance to include firearm retailers, manufacturers and ranges. Given this new information, and in the interest of being consistent with the federal list, we ask you to also update Washington’s list by designating licensed firearms dealers as essential businesses.

Sincerely,

Senator Lynda Wilson
Senator Shelly Short
Senator Tim Sheldon
Senator Mike Padden
Senator Mark Schoesler
Senator Phil Fortunato
Representative Chris Corry
Representative Gina Mosbrucker
Representative Carolyn Eslick
Representative Robert Sutherland
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Representative Michelle Caldier
Representative Larry Hoff
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